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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,
v.

GOOGLE LLC,
Defendant.

Case No. 4:20-cv-03664-YGR-SVK

JOINT WITNESS LIST

Judge: Hon. Yvonne Gonzalez Rogers
Courtroom 1 – 4th Floor
Pretrial Conference Date: November 29, 2023
Time: 9:00 a.m.

Trial date: January 29, 2024

Pursuant to the Court's September 18, 2023 and October 17, 2023 Orders (Dkts. 1001, 1019), the Court's September 29, 2022 Standing Order Re: Pretrial Instructions in Civil Cases, and in advance of the Pretrial Conference set for November 29, 2023 at 9:00 a.m., Plaintiffs and Defendant Google LLC submit this witness list identifying in the tables below (A) the 13 fact witnesses both parties expect to or may call at trial other than solely for impeachment or rebuttal; (B) the 18 fact witnesses only Plaintiffs expect to or may call at trial; (C) the 1 fact witness only Google expects to call at trial; (D) the 4 expert witnesses Plaintiffs expect to call at trial; and (E) the 5 expert witnesses Google expects to call at trial. These lists are not a commitment that either of the parties will in fact call any particular witness at trial, but rather reflect a good-faith effort by the parties to identify witnesses they presently anticipate they will (or in some cases may) call to testify at trial in this matter, as well as the manner in which the witnesses will appear (*i.e.*, live or by deposition).

A. JOINT FACT WITNESS LIST

Witness Name	Manner	Substance of Testimony & Time Estimate
Chasom Brown	Live / Expect to Call	<p><u>Plaintiffs:</u> As one of the appointed class representatives and also as a plaintiff seeking damages individually, Mr. Brown will testify about his experience with private browsing, Google's conduct, and damages.</p> <p><u>Google:</u> Mr. Brown is one of the five plaintiffs seeking monetary damages and equitable relief. Mr. Brown is also an appointed class representative for the injunctive relief class. Google expects to question Mr. Brown about his usage of Incognito mode and other private browsing modes and his alleged harm and claimed damages.</p> <p><u>Estimated length of Plaintiffs' examination:</u> 20 minutes</p> <p><u>Estimated length of Google's examination:</u> 15 minutes</p>

Witness Name	Manner	Substance of Testimony & Time Estimate
William Byatt	Live / Expect to Call	<p><u>Plaintiffs:</u> As one of the appointed class representatives and also as a plaintiff seeking damages individually, Mr. Byatt will testify about his experience with private browsing, Google's conduct, and damages.</p> <p><u>Google:</u> Mr. Byatt is one of the five plaintiffs seeking monetary damages and equitable relief. Mr. Byatt is also an appointed class representative for the injunctive relief class. Google expects to question Mr. Byatt about his usage of Incognito mode and other private browsing modes and his alleged harm and claimed damages.</p> <p><u>Estimated length of Plaintiffs' examination:</u> 20 minutes</p> <p><u>Estimated length of Google's examination:</u> 15 minutes</p>
Christopher Castillo	Live / Expect to Call	<p><u>Plaintiffs:</u> As one of the appointed class representatives and also as a plaintiff seeking damages individually, Mr. Castillo will testify about his experience with private browsing, Google's conduct, and damages.</p> <p><u>Google:</u> Mr. Castillo is one of the five plaintiffs seeking monetary damages and equitable relief. Mr. Castillo is also an appointed class representative for the injunctive relief class. Google expects to question Mr. Castillo about his usage of Incognito mode and other private browsing modes and his alleged harm and claimed damages.</p> <p><u>Estimated length of Plaintiffs' examination:</u> 20 minutes</p> <p><u>Estimated length of Google's examination:</u> 15 minutes</p>

Witness Name	Manner	Substance of Testimony & Time Estimate
Jeremy Davis	Live / Expect to Call	<p><u>Plaintiffs:</u> As one of the appointed class representatives and also as a plaintiff seeking damages individually, Mr. Davis will testify about his experience with private browsing, Google's conduct, and damages.</p> <p><u>Google:</u> Mr. Davis is one of the five plaintiffs seeking monetary damages and equitable relief. Mr. Davis is also an appointed class representative for the injunctive relief class. Google expects to question Mr. Davis about his usage of Incognito mode and other private browsing modes and his alleged harm and claimed damages.</p> <p><u>Estimated length of Plaintiffs' examination:</u> 20 minutes</p> <p><u>Estimated length of Google's examination:</u> 15 minutes</p>
Monique Trujillo	Live / Expect to Call	<p><u>Plaintiffs:</u> As one of the appointed class representatives and also as a plaintiff seeking damages individually, Ms. Trujillo will testify about her experience with private browsing, Google's conduct, and damages.</p> <p><u>Google:</u> Ms. Trujillo is one of the five plaintiffs seeking monetary damages and equitable relief. Ms. Trujillo is also an appointed class representative for the injunctive relief class. Google expects to question Ms. Trujillo about her usage of Incognito mode and other private browsing modes and her alleged harm and claimed damages.</p> <p><u>Estimated length of Plaintiffs' examination:</u> 20 minutes</p> <p><u>Estimated length of Google's examination:</u> 15 minutes</p>

Witness Name	Manner	Substance of Testimony & Time Estimate
Rory McClelland	<p><u>Plaintiffs:</u> Live / May Call</p> <p><u>Google:</u> Deposition/ May Call</p>	<p><u>Plaintiffs:</u> Mr. McClelland is a former Google employee based in Europe who was deposed in this case. Plaintiffs may call Mr. McClelland to testify at trial (live or if necessary by deposition), both to present documents and certain admissions regarding Google's failure to address known misconceptions surrounding Incognito mode, with Google executives rejecting certain proposed changes.</p> <p><u>Google:</u> Mr. McClelland may testify about data Google receives from private browsing sessions, that Google does not join authenticated data with unauthenticated data, and other subject matters discussed at his deposition.</p> <p><u>Estimated length of Plaintiffs' examination:</u> 30 minutes</p> <p><u>Estimated length of Google's examination:</u> 20 minutes</p>
AbdelKarim Mardini	<p><u>Plaintiffs:</u> Live / May Call</p> <p><u>Google:</u> Live/Expect to Call</p>	<p><u>Plaintiffs:</u> Mr. Mardini is a Google employee based in France who was deposed in this case. Plaintiffs may call Mr. Mardini as a witness to testify at trial (live or if necessary by deposition) regarding internal Google documents and admissions about Google's failure to address known misconceptions surrounding Incognito.</p> <p><u>Google:</u> Mr. Mardini will testify regarding the purposes and functions of the Chrome browser's Incognito mode, Google's disclosures regarding Incognito mode, Google's efforts to understand and improve user understanding of Chrome and Incognito mode, and other subject matters discussed at his deposition.</p> <p><u>Estimated length of Plaintiffs' examination:</u> 30 minutes</p> <p><u>Estimated length of Google's examination:</u> 45 minutes</p>

Witness Name	Manner	Substance of Testimony & Time Estimate
Adrienne Porter Felt	<p><u>Plaintiffs:</u> Live / May Call</p> <p><u>Google:</u> Live/Expect to Call</p>	<p><u>Plaintiffs:</u> Ms. Porter Felt is a Google employee based in the Bay Area who was deposed in this case. Plaintiffs may call Ms. Porter Felt as a witness to testify at trial regarding certain internal Google documents and admissions regarding known misconceptions around Incognito mode and Google's failure to address those known misconceptions.</p> <p><u>Google:</u> Dr. Felt will testify about how Chrome operates, how Incognito mode operates, the information third-party resources receive when a user visits a website, and other subject matters discussed at her depositions.</p> <p><u>Estimated length of Plaintiffs' examination:</u> 60 minutes</p> <p><u>Estimated length of Google's examination:</u> 90 minutes</p>
Greg Fair	<p><u>Plaintiffs:</u> Live / May Call</p> <p><u>Google:</u> Live/Expect to Call</p>	<p><u>Plaintiffs:</u> Mr. Fair is a former Google employee based in the Bay Area who was deposed in this case. Plaintiffs may call Mr. Fair to testify at trial (live or if necessary by deposition), both to present documents and certain admissions regarding Google's failure to address known misconceptions around Incognito mode.</p> <p><u>Google:</u> Mr. Fair will testify about Google's Terms of Service, Privacy Policy, Help Center disclosures, and Private Browsing Mode screens, Google's consent process, and Google's efforts to strike the right balance in preparing and making disclosures, and other subject matters discussed at his depositions or in his declarations.</p> <p><u>Estimated length of Plaintiffs' examination:</u> 30 minutes</p> <p><u>Estimated length of Google's examination:</u> 60 minutes</p>

Witness Name	Manner	Substance of Testimony & Time Estimate
Michael Kleber	<u>Plaintiffs:</u> Deposition / May Call <u>Google:</u> Live / Expect to Call	<p><u>Plaintiffs:</u> Mr. Kleber is a Google employee based in Massachusetts who was deposed in this case. Plaintiffs may present portions of Mr. Kleber's deposition testimony at trial, both to present documents and certain admissions regarding Google's failure to respect users' privacy, including by rejecting proposed changes to Incognito mode.</p> <p><u>Google:</u> Mr. Kleber will testify about Chrome as a browser, how Incognito mode and other private browsing modes operate, how cookies work, Chrome's efforts to be a privacy-enhancing browser, the web as an ecosystem, industry debate about whether Incognito mode should be detectable by websites, and other subject matters discussed at his depositions.</p> <p><u>Estimated length of Plaintiffs' examination:</u> 10 minutes</p> <p><u>Estimated length of Google's examination:</u> 45 minutes</p>

Witness Name	Manner	Substance of Testimony & Time Estimate
Glenn Berntson	<u>Plaintiffs:</u> Deposition / Will Call <u>Google:</u> Live/Expect to Call	<p><u>Plaintiffs:</u> Dr. Berntson is a current Google employee based in New York who was designated and deposed as a corporate representative, as well as a fact witness, in this case. Plaintiffs may present portions of Dr. Berntson's testimony at trial, both to present documents and for admissions concerning what information Google collects, saves, and uses from users who visit non-Google websites with Google tracking or advertising code.</p> <p><u>Google:</u> Dr. Berntson will testify about how Google Ad Manager works, how the Incognito cookie jar works, the information Google Ad Manager receives when a user is browsing in Incognito mode and factors that affect receipt of information, information Google Ad Manager receives when a user is in private browsing and factors that affect receipt of information, how Google does not join authenticated data with unauthenticated data, and other subjects discussed at his depositions or in his declarations.</p> <p><u>Estimated length of Plaintiffs' examination:</u> 45 minutes</p> <p><u>Estimated length of Google's examination:</u> 120 minutes</p>

Witness Name	Manner	Substance of Testimony & Time Estimate
Caitlin Sadowski	<u>Plaintiffs:</u> Live / May Call <u>Google:</u> Live/Expect to Call	<p><u>Plaintiffs:</u> Dr. Sadowski is a current Google employee based in the Bay Area who was designated and deposed as a corporate representative in this case. Plaintiffs may call Dr. Sadowski to testify at trial in part to admit certain documents, including because Google rejected Plaintiffs' proposal to admit certain documents in lieu of calling her. Plaintiffs object to Google calling Ms. Sadowski as a trial witness (Dkt. 992).</p> <p><u>Google:</u> Dr. Sadowski will testify about how Chrome works, how Incognito mode works, Chrome metrics, and that Google's internal UMA data is not joined to Google accounts, and other subject matters discussed at her deposition.</p> <p><u>Estimated length of Plaintiffs' examination:</u> 5 minutes.</p> <p><u>Estimated length of Google's examination:</u> 30 minutes</p>
Troy Walker	<u>Plaintiffs:</u> Deposition / May call <u>Google:</u> Live/Expect to Call	<p><u>Plaintiffs:</u> Mr. Walker is a Google employee based in Los Angeles, California. Plaintiffs may present portions of Mr. Walker's deposition testimony at trial, both to present documents and for admissions concerning Google's Screenwise program.</p> <p><u>Google:</u> Mr. Walker will testify concerning Google's Screenwise program.</p> <p><u>Estimated length of Plaintiffs' examination:</u> 5 minutes</p> <p><u>Estimated length of Google's examination:</u> 10 minutes</p>

B. PLAINTIFFS' ADDITIONAL FACT WITNESS LIST

Witness Name	Manner	Substance of Testimony & Time Estimate
Chris Palmer	Live / Expect to Call	<p>Mr. Palmer is a Google employee based in the Bay Area who was deposed in this case. Plaintiffs expect to question Mr. Palmer about internal Google communications and documents concerning Incognito and other private browsing modes, including for example Mr. Palmer's description of Incognito as "a lie" and a "problem of professional ethics basic honesty."</p> <p><u>Estimated length of Plaintiffs' direct:</u> 60 minutes</p> <p><u>Estimated length of Google's cross:</u> 30 minutes</p>
Parisa Tabriz	Live / Expect to Call	<p>Ms. Tabriz is a Google executive based in the Bay Area. Plaintiffs expect to question Ms. Tabriz regarding internal Google discussions to address known misconceptions with private browsing, including for example her email stating that Google "should address" the "problems" with Incognito identified by Mr. Palmer, where Google then failed to actually address those known problems.</p> <p><u>Estimated length of Plaintiffs' direct:</u> 45 minutes</p> <p><u>Estimated length of Google's cross:</u> 15 minutes</p>
Sabine Borsay	Live / Expect to Call	<p>Ms. Borsay is a Google employee based in Germany who was deposed in this case. Plaintiffs expect to question Ms. Borsay at trial regarding internal discussions within Google to address known misconceptions with private browsing, including for example her recognition that Google operates without consent when it collects, stores, and uses private browsing data.</p> <p><u>Estimated length of Plaintiffs' direct:</u> 45 minutes</p> <p><u>Estimated length of Google's cross:</u> 15 minutes¹</p>

¹ Google: Ms. Borsay lives in Germany and will appear only by deposition designation.

Witness Name	Manner	Substance of Testimony & Time Estimate
Lorraine Twohill	Live / Expect to Call	<p>Ms. Twohill is a Google executive based in the Bay Area who was deposed in this case. Plaintiffs expect her to question Ms. Twohill at trial about internal discussions to rebrand Incognito as well as known problems regarding Incognito, including her email to Mr. Pichai stating that Incognito is “not truly private.”</p> <p><u>Estimated length of Plaintiffs’ direct:</u> 30 minutes</p> <p><u>Estimated length of Google’s cross:</u> 10 minutes</p>
Blake Lemoine	Live / May Call	<p>Mr. Lemoine is a former Google employee based in the Bay Area. Plaintiffs may call Mr. Lemoine as a witness to testify at trial about Google’s collection and use of private browsing information, including without limitation for various AI-based algorithms, and also regarding Google’s internal processes in connection with documenting and addressing problems.</p> <p><u>Estimated length of Plaintiffs’ direct:</u> 30 minutes</p> <p><u>Estimated length of Google’s cross:</u> Google objects to Plaintiffs calling Mr. Lemoine as a trial witness, Dkt. 1015.</p>
Brian Rakowski	Live / May Call	<p>Mr. Rakowski is a Google employee based in the Bay Area who was deposed in this case. Plaintiffs may call Mr. Rakowski as a witness to testify at trial regarding Google’s development of Incognito mode and Google’s failure to address known misconceptions with private browsing, with Google intentionally collecting, storing, and using private browsing information for Google’s own financial benefit without consent.</p> <p><u>Estimated length of Plaintiffs’ direct:</u> 20 minutes</p> <p><u>Estimated length of Google’s cross:</u> 15 minutes</p>

Witness Name	Manner	Substance of Testimony & Time Estimate
Ramin Halavati	Live / May Call	<p>Mr. Halavati is a Google employee based in Germany who was deposed in this case. Plaintiffs may call Mr. Halavati as a witness at trial (live or if necessary by deposition) to testify regarding certain internal Google documents and admissions regarding known misconceptions around Incognito mode and Google's failure to address those known misconceptions.</p> <p><u>Estimated length of Plaintiffs' direct:</u> 30 minutes</p> <p><u>Estimated length of Google's cross:</u> 10 minutes²</p>
Martin Shelton	Live / May Call	<p>Mr. Shelton is a former Google employee based in the Bay Area who was deposed in this case. Plaintiffs may call Mr. Shelton to testify at trial (live or if necessary by deposition), both to present documents and certain admissions regarding Google's failure to address known misconceptions around Incognito mode.</p> <p><u>Estimated length of Plaintiffs' direct:</u> 20 minutes</p> <p><u>Estimated length of Google's cross:</u> 10 minutes</p>
Sammit Adhya	Live / May Call	<p>Mr. Adhya is a Google employee based in the Bay Area who was deposed in this case. Plaintiffs may call Mr. Adhya to testify at trial (live or if necessary by deposition), both to present documents and certain admissions regarding Google's failure to address known misconceptions around Incognito mode. Google rejected Plaintiffs' proposal to admit certain documents in lieu of calling him.</p> <p><u>Estimated length of Plaintiffs' direct:</u> 15 minutes</p> <p><u>Estimated length of Google's cross:</u> 15 minutes³</p>

² Google: Mr. Halavati lives in Germany and will appear only by deposition designation.

³ Google: Mr. Adhya may be on leave during the trial and will appear only by deposition designation.

Witness Name	Manner	Substance of Testimony & Time Estimate
Jesse Adkins	Deposition / May Call	<p>Mr. Adkins is a current Google employee based in Pennsylvania who was designated and deposed as a corporate representative in this case. Plaintiffs may present portions of Mr. Adkins' deposition testimony at trial for admissions concerning what information Google collects, saves, and uses from users who visit non-Google websites with Google tracking or advertising code.</p> <p><u>Estimated length of Plaintiffs' direct:</u> 5 minutes</p> <p><u>Estimated length of Google's cross:</u> 5 minutes</p>
Stephen Chung	Deposition / May Call	<p>Mr. Chung is a current Google employee based in Los Angeles who was designated and deposed as a corporate representative in this case. Plaintiffs may present portions of Mr. Chung's deposition testimony at trial regarding how common Google's tracking and advertising code is on non-Google websites, and also what information Google collects, saves, and uses from users who visit non-Google websites with Google tracking or advertising code.</p> <p><u>Estimated length of Plaintiffs' direct:</u> 15 minutes</p> <p><u>Estimated length of Google's cross:</u> 10 minutes</p>
Bert Leung	Live / May Call	<p>Mr. Leung is a current Google employee based in the Bay Area who was deposed in this case. Plaintiffs expect to call Mr. Leung to testify at trial, both to present documents and for admissions concerning Google's collection, storage, and use of private browsing information, including with respect to Google's use of undisclosed detection bits.</p> <p><u>Estimated length of Plaintiffs' direct:</u> 15 minutes⁴</p> <p><u>Estimated length of Google's cross:</u> 10 minutes⁵</p>

⁴ Plaintiffs' position is that Google is precluded from eliciting testimony from Mr. Leung (Dkt. 588).

⁵ Google's position is that it is only prohibited from "offering or relying on testimony" from Mr. Leung. If Plaintiffs choose to call Mr. Leung as a witness, Google maintains its right to cross-examine him, consistent with due process. *See Falstaff Brewing Corp. v. Miller Brewing Co.*, 702 F.2d 770, 783 (9th Cir. 1983).

Witness Name	Manner	Substance of Testimony & Time Estimate
Chris Liao	Live / May Call	<p>Mr. Liao is a current Google employee based in the Bay Area who was deposed in this case. Plaintiffs expect to call Mr. Liao to testify at trial, both to present documents and for admissions concerning Google's collection, storage, and use of private browsing information, including with respect to Google's use of undisclosed detection bits.</p> <p><u>Estimated length of Plaintiffs' direct:</u> 20 minutes⁶</p> <p><u>Estimated length of Google's cross:</u> 10 minutes⁷</p>
Mandy Liu	Live / May Call	<p>Ms. Liu is a current Google employee based in Canada who was deposed in this case. Plaintiffs expect to call Ms. Liu to testify at trial (live or if necessary by deposition), both to present documents and for admissions concerning Google's collection, storage, and use of private browsing information, including with respect to Google's use of undisclosed detection bits.</p> <p><u>Estimated length of Plaintiffs' direct:</u> 15 minutes⁸</p> <p><u>Estimated length of Google's cross:</u> 10 minutes⁹</p>

⁶ Plaintiffs' position is that Google is precluded from eliciting testimony from Mr. Liao (Dkt. 588).

⁷ Google's position is that it is only prohibited from "offering or relying on testimony" from Mr. Liao. If Plaintiffs choose to call Mr. Liao as a witness, Google maintains its right to cross-examine him, consistent with due process. *See Falstaff Brewing Corp. v. Miller Brewing Co.*, 702 F.2d 770, 783 (9th Cir. 1983).

⁸ Plaintiffs' position is that Google is precluded from eliciting testimony from Ms. Liu (Dkt. 588).

⁹ Google's position is that it is only prohibited from "offering or relying on testimony" from Ms. Liu. If Plaintiffs choose to call Ms. Liu as a witness, Google maintains its right to cross-examine her, consistent with due process. *See Falstaff Brewing Corp. v. Miller Brewing Co.*, 702 F.2d 770, 783 (9th Cir. 1983).

Witness Name	Manner	Substance of Testimony & Time Estimate
Justin Schuh	Live or Deposition / May Call	<p>Mr. Schuh is a former Google employee who was deposed in this case. Plaintiffs may present portions of Mr. Schuh's deposition testimony at trial, both to present documents and to demonstrate the feasibility of Chrome blocking third-party cookies by default, as well as what information Google collects, saves, and uses from users who visit non-Google websites with Google tracking or advertising code.</p> <p><u>Estimated length of Plaintiffs' direct:</u> 10 minutes</p> <p><u>Estimated length of Google's cross:</u> 5 minutes</p>
Deepti Bhatnagar	Deposition / May Call	<p>Ms. Bhatnagar is a current Google employee based in New York who was deposed in this case. Plaintiffs may present portions of Ms. Bhatnagar's deposition testimony at trial, both to present documents and for admissions concerning what information Google collects, saves, and uses from users who visit non-Google websites with Google tracking or advertising code. Google rejected Plaintiffs' proposal to admit certain documents in lieu of her testifying.</p> <p><u>Estimated length of Plaintiffs' direct:</u> 10 minutes</p> <p><u>Estimated length of Google's cross:</u> 10 minutes</p>
Chetna Bindra	Live / May Call	<p>Ms. Bindra is a Google employee based in the Bay area who was deposed in the <i>Calhoun</i> case. Plaintiffs may call Ms. Bindra to testify about how Google monetizes and values data that it collects, stores, and uses. Google rejected Plaintiffs' proposal to admit certain documents in lieu of her testifying at trial.</p> <p><u>Estimated length of Plaintiffs' direct:</u> 15 minutes</p> <p><u>Estimated length of Google's cross:</u> 15 minutes</p>

Witness Name	Manner	Substance of Testimony & Time Estimate
Google Document Custodian	Live / May Call	<p>If necessary and subject to negotiation with Google, Plaintiffs may call a Google document custodian for purposes of presenting certain documents.</p> <p><u>Estimated length of Plaintiffs' direct:</u> 5 minutes</p> <p><u>Estimated length of Google's cross:</u> To be determined.</p>

C. GOOGLE'S ADDITIONAL FACT WITNESS LIST

Witness Name	Manner	Substance of Testimony & Time Estimate
Steve Ganem	Live / Expect to Call	<p>Mr. Ganem will testify about how Google Analytics works and the benefits to its customers, the information Google Analytics receives from users who are browsing in Incognito mode and in private browsing, the factors that affect whether Google receives certain pieces of information, and other subject matters discussed at his depositions or in his declarations.</p> <p><u>Estimated length of Google's direct:</u> 30 minutes</p> <p><u>Estimated length of Plaintiffs' cross:</u> Plaintiffs object to Google calling Mr. Ganem as a trial witness. Dkt. 992.</p>

D. PLAINTIFFS' EXPERT WITNESS LIST

Pursuant to Paragraph 3(d) of the Court's September 29, 2022 Standing Order Re: Pretrial Instructions in Civil Cases, Plaintiffs provide information below regarding the experts they expect to call at trial. For each expert, a summary plainly stating the expert's theories and conclusions and the basis therefore is included in each of the expert reports, which are included in the Trial Readiness Binder.

Expert Name	Manner	Substance of Testimony & Time Estimate
Bruce Schneier	Live / Expect to Call	<p>Professor Bruce Schneier, a lecturer and fellow at the Harvard Kennedy School, is a security technologist who researches, writes, and speaks about computer security and Internet security, as well as the economic, psychological, and sociological aspects of security and privacy. Professor Schneier studies user behavior and human factors related to security and privacy, and his 2014 book Data and Goliath explores people's relationship with privacy and their behaviors regarding privacy. Professor Schneier will provide context for the existence of reasonable expectations of privacy in connection with private browsing communications, and why Google's collection, storage, and use of that information is highly offensive. For example, Professor Schneier will address the value of user data and describe how the need for privacy has grown as corporate surveillance becomes more widespread. Professor Schneier will also describe why browsing information is highly personal and sensitive, and he will explain how Google's storage of users' private browsing data puts users at risk.</p> <p><u>Estimated length of Plaintiffs' direct:</u> 90 minutes</p> <p><u>Estimated length of Google's cross:</u> 45 minutes</p>

Expert Name	Manner	Substance of Testimony & Time Estimate
Jonathan Hochman	Live / Expect to Call	<p>Jonathan Hochman is the founder of Hochman Consultants, an agency that provides clients with online security, ecommerce, and advertising services. He is also a current PhD student at Yale University in the Department of Computer Science, where he serves as a Teaching Fellow and is a member of the Yale Applied Cryptography Laboratory. Among other topics, Mr. Hochman will testify about the technical processes by which Google, on a classwide basis, collects, stores, and uses private browsing information, including for purposes of monetizing that private browsing information. Mr. Hochman will also describe the nature and contents of the private browsing information uniformly collected by Google and explain how the data is tied to unique identifiers and other information about users. In addition, having analyzed the data that Google produced to Plaintiffs through the Special Master process, Mr. Hochman will explain how Google systematically collects and tracks private browsing activity, where Google's Incognito "detection bits" (the subject of the Court's prior sanctions orders) reliably detected Incognito traffic with 99.89% accuracy. Using the same data from the Special Master process, Mr. Hochman will explain how, for all Class Members, private browsing data is identifying.</p> <p><u>Estimated length of Plaintiffs' direct:</u> 120 minutes</p> <p><u>Estimated length of Google's cross:</u> 60 minutes</p>

Expert Name	Manner	Substance of Testimony & Time Estimate
Mark Keegan	Live / Expect to Call	<p>Mark Keegan is a survey expert who has personally conducted over 1,000 consumer surveys reaching more than 250,000 consumers. For this case, Mr. Keegan conducted two surveys of people who used one or more of the private browsing modes at issue (Chrome, Safari, Edge, and Internet Explorer) during the Class Period. Mr. Keegan's first survey provides inputs for Plaintiffs' damages models. Mr. Keegan's second survey provides common evidence demonstrating that, based on their experience and review of certain disclosures (including the Incognito Splash Screen for Incognito users), 93.1% of users did not understand or believe that they consented to Google's collection and storage of their private browsing data.</p> <p><u>Estimated length of Plaintiffs' direct:</u> 40 minutes</p> <p><u>Estimated length of Google's cross:</u> 20 minutes</p>
Michael Lasinski	Live / Expect to Call	<p>Michael Lasinski is a Certified Public Accountant with twenty-eight years of experience evaluating the financial aspects of intellectual property for government entities, corporations, and law firms. Mr. Lasinski will testify about both of his damages models, where he (1) quantified the amount by which Google was unjustly enriched from its collection and use of the at-issue private browsing data, and (2) valued Plaintiffs' private browsing data by way of a Google program where Google paid users to track their activity. Mr. Lasinski will also testify about how statutory damages can be calculated for the Plaintiffs' individual damages claims.</p> <p><u>Estimated length of Plaintiffs' direct:</u> 90 minutes</p> <p><u>Estimated length of Google's cross:</u> 45 minutes</p>

E. GOOGLE'S EXPERT WITNESS LIST

Pursuant to Paragraph 3(d) of the Court's September 29, 2022 Standing Order Re: Pretrial Instructions in Civil Cases, Google provides information below regarding the experts it expects to call at trial. For each expert, a summary plainly stating the expert's theories and conclusions and the basis therefore is included in each of the expert reports, which are included in the Trial Readiness Binder.

Expert Name	Manner	Substance of Testimony & Time Estimate
Georgios Zervas	Live / Expect to Call	<p>Dr. Zervas will testify about how the internet works, how private browsing works, the transmissions to Google Services while a user is in a private browsing mode, that private browsing mode works exactly how Google discloses it, and about other subject matters discussed at his deposition or in his expert reports.</p> <p><u>Estimated length of Google's direct: 120 minutes</u></p> <p><u>Estimated length of Plaintiffs' cross: 60 minutes</u></p>
Kostas Psounis	Live / Expect to Call	<p>Dr. Psounis will testify that Google does not join authenticated with unauthenticated data, that Google does not join private browsing mode data with Google profiles; will rebut Mr. Hochman's opinions related to logs and bits, and other subject matters discussed at his deposition, in his declarations, or in his expert reports.</p> <p><u>Estimated length of Google's direct: 60 minutes</u></p> <p><u>Estimated length of Plaintiffs' cross: 45 minutes</u></p>
On Amir	Live / Expect to Call	<p>Dr. Amir will testify that, based on surveys conducted, consumers expect that companies that provide analytics and advertising services to websites visited, including Google, receive data such as IP address, URLs of the sites visited, and cookies from consumers' private browsing sessions, that the average consumer would use Chrome in Incognito mode to do online research on a sensitive topic even if the Incognito Screen specifically listed Google, that Mr. Schneier and Mr. Keegan's opinions about consumer expectations and Mr. Keegan's survey are flawed, and other subject matters discussed at his deposition or in his expert reports.</p> <p><u>Estimated length of Google's direct: 30 minutes</u></p>

Expert Name	Manner	Substance of Testimony & Time Estimate
		<u>Estimated length of Plaintiffs' cross:</u> 20 minutes (subject to Plaintiffs' <i>Daubert</i> motion, which seeks to exclude certain of Dr. Amir's opinions)
Bruce Strombom	Live / Expect to Call	Mr. Strombom will testify that Plaintiffs' damages model, including Mr. Lasikski's opinions, are flawed, and about other subject matters discussed at his deposition or in his expert reports. <u>Estimated length of Google's direct:</u> 30 minutes <u>Estimated length of Plaintiffs' cross:</u> 20 minutes
Paul Schwartz	Live / Expect to Call	Mr. Schwartz will testify that Mr. Hochman and Mr. Schneier's opinions about PI, Personal Identifiable Information ("PII"), Identifying, and Non-Identifying Data are flawed and about other subject matters discussed at his deposition or in his expert reports. <u>Estimated length of Google's direct:</u> 15 minutes <u>Estimated length of Plaintiffs' cross:</u> 15 minutes

DATED: November 1, 2023

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ATTESTATION

I, Andrew H. Schapiro, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

DATED: November 1, 2023

By: /s/ Andrew H. Schapiro
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